

## *Changing Wisconsin's Shoreland Development Standards?*

The state is launching a broad-based effort to update 34-year-old shoreland standards intended to protect water quality, fish and wildlife habitat and scenic beauty along navigable lakes and rivers by controlling the density of development along the waters and creating a buffer around them. The goal is to protect public rights in navigable waters while allowing property owners to make reasonable use of their properties.

New research, a continuing building boom, and growing complaints from property owners and local governments are spurring the state to evaluate and revise the standards in NR 115, the state's shoreland management program rules. Lawmakers in the mid 1960's recognized the importance of shoreland areas and the functions they serve and enacted the Water Resources Act (Chapter 614, Laws of Wisconsin 1965), which required counties to adopt and administer shoreland ordinances based on minimum state standards. NR 115 was created to establish statewide minimum standards including minimum lot sizes, how far structures must be set back from the water's edge, and limits on removing trees and other vegetation. The standards apply only in unincorporated areas and are enforced by counties.

## *Rationale for Changes*

In the 30 years since these standards went into effect, development patterns along our lakes and rivers have changed. Across the state, large, year-round residences are replacing small traditional summer cottages and the numbers of homes are increasing along Wisconsin's shorelines. A study on Wisconsin's northern lakes found the number of waterfront homes has increased by over 200% since the 1960s. With this increasing development, there are more and more activities impacting Wisconsin's waters.

## *Recent Initiatives*

Shoreland management is a balancing act, attempting to protect our navigable water resources while respecting the rights of individual landowners. In an attempt to reach this equilibrium, 30 Wisconsin counties have updated or are in the process of updating their local shoreland ordinances. Unfortunately, the current statewide standards for the Wisconsin's Shoreland Management Program do not provide much flexibility for local governments as they seek to develop new and innovative ways to protect shorelands and navigable water in a manner that minimizes the limitations on the use of shoreland properties.

To find that right balance, DNR is forming a 24-member advisory committee to meet over the next year to evaluate existing standards and develop a range of options that reflects changes in scientific knowledge and housing trends since the standards were originally written.

## *For More Information*

Contact Toni Herkert at the DNR at 608-266-0161 or [Toni.Herkert@dnr.state.wi.us](mailto:Toni.Herkert@dnr.state.wi.us) with your suggestions or comments on how the program can be improved. You can also ask to be placed on a list of interested parties to receive rule revision information as it becomes available.

OR

Check the website for updates at <http://www.dnr.state.wi.us> and under "Go to some topics" choose "Shoreland Management."

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Wisconsin Department of Natural Resources  
Bureau of Watershed Management  
Box 7921 Madison WI 53707  
608-266-8030



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# *The Big Four*

## *Shoreland Management Issues*

### *Shoreland Buffers & Setbacks*



**Current state standards** are designed to protect a 35-foot deep buffer of vegetation along the shoreline. Property owners are allowed to clear a 30-foot wide corridor along every 100 feet of frontage. Most structures must be setback 75 feet from the ordinary high-water mark, unless there is an existing pattern of development with shorter setbacks.

**Concerns:** Vegetation removal standards are ambiguous and difficult for local governments to enforce. They do not recognize unique uses such as forestry and agriculture. Most studies recommend a buffer of 50 feet or more to help protect water quality and fish and wildlife habitat.

### *Development Density*



**Current state standards** require an average minimum lot width of 65 feet on sewered lots or 100 feet on unsewered lots. Existing standards do not address the impacts of impervious (hard) surfaces, such as roofs, driveways, and roads.

**Concerns:** As shorelands become more developed, studies have found fewer green frogs and native songbirds along our lakes and rivers. At 52 homes per mile (110 foot wide lots), green frogs can disappear altogether. Research has found that when a watershed exceeds 15% impervious surface, water quality is degraded and fish communities are severely impacted.

### *Nonconforming Structures*



**Current state standards** require counties to regulate non-conforming structures. In the past, many counties have limited the alteration, expansion, and repair of a nonconforming structure over its life to 50% of the structure's equalized assessed value. This is often referred to as the "50% rule."

**Concerns:** The 50% rule is difficult for county staff to administer, track and enforce, and NR 115 doesn't specifically provide for other alternatives.

### *Flexibility & Mitigation*



**Current state standards** do not provide alternative development options for specific circumstances, such as substandard lots that do not currently meet minimum standards.

**Concerns:** If minimum standards could be more responsive to specific circumstances, and property owners are willing to mitigate the impacts of their waterfront development, a balance could be struck between private property rights and natural resource protection.